

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1757.01
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: May 21, 2001
DATE OF REPORT: June 15, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: June 26, 2001

COMPLAINT ISSUES:

Whether the Northwestern School Corporation and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-27-7(a) and 511 IAC 7-27-8(a)(1) with regard to the school's alleged failure to implement the student's individualized education (IEP) program as written, specifically, failing to provide the student with study guides and notes.

FINDINGS OF FACT:

1. The Student is fourteen years old and attends a local junior high school (the "school"). He is eligible for special education as a student with a learning disability.
2. The Student's IEP, dated March 20, 2001, states that he is to receive study guides and notes for each class as an accommodation. The current IEP includes a form containing the signatures of the student's teacher of record (TOR) and general education teachers showing they have read and understood the student's accommodations.
3. On May 7, 2001, the student's parents received a copy of the student's science grade report. The report shows a grade of zero for homework for a particular section of the course. At the bottom of the science grade report, the student's teacher wrote a note to the parents stating she only gave the student brief notes on two occasions and expected the student to join the rest of the class in writing his own vocabulary and notes for this particular chapter.
4. The student's science teacher explained that she did not provide notes to the student for chapter 10. She also described her expectation that students in class will maintain their own notebooks that include their own study, worksheets, and other class materials.

CONCLUSIONS:

1. Findings of Fact #1 through #4 reflect that the school failed to implement the Student's IEP as written when the science teacher did not provide the student with identified accommodations. Therefore, a violation of 511 IAC 7-27-7(a) and 511 IAC 7-27-8(a)(1) is found.

The Department of Education, Division of Special Education requires the following corrective

action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Northwestern School Corporation and the Kokomo Area Special Education Cooperative shall ensure the accommodations in the Student's IEP are fully implemented by sending a memo to the Student's science teacher reminding her that accommodations in a student's IEP must be followed at all times as written. A copy of the memo shall be sent to the parents and the Division no later than July 18, 2001.

DATE REPORT COMPLETED: June 13, 2001